

Remarks

The Official Action of December 19, 2005 has been carefully considered. Applicant wishes to thank the Examiner for his indication of the allowance of claims 11 and 16. Applicant has earnestly presented changes and remarks which he believes are sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-18 remain in the present application and are believed to be in condition for allowance. Claims 1 and 12 have been amended for clarification in accordance with the specification and drawings. Support for these claim amendments can be found within the specification and drawings (see for example Fig. 6). Thus, the amendments do not involve any issue of new matter or raise any new issue after final rejection.

Claims 1-10, 12-15 and 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Doshi in view of Wagner. Particularly, the Examiner alleges that Doshi discloses an object, a vehicle bed (Fig. 2), an article, a pickup truck, a securement structure at the hole and hole periphery (Fig. 2) surrounding the fastener or bolt 30, and a securement structure having a bearing surface at the bolt head and has a creep rate greater than the creep rate of the metallic structure of the mounting structure. The Examiner further asserts that Doshi discloses bolting the bed to the frame which entails the problem of plastic creep discussed in Wagner. The Examiner alleges that Wagner discloses the use of a bearing member having a first portion bearing against a plastic structure and a second portion against an analogous metal mounting structure 44 and with a third portion beneath the bolt head to be biased by the fastener 10. Thus, the Examiner contends that it would have been obvious to one having ordinary skill in the art to provide in Doshi a fastening system as taught by Wagner.

In response to Applicant's remarks filed with the Request for Continued Examination on November 29, 2005, the Examiner contends that the arguments are not persuasive as the brace or mounting structure 32 of Doshi is an intermediate layer, which is not only operable, but is fastened to the securement structure of the bed, and that Wagner includes all three portions of the bearing member as claimed.

Applicant submits however that the fastening systems and vehicle beds defined by claims 1-10, 12-15 and 17-18 are nonobvious over and patentably distinguishable from Doshi in view of Wagner. This rejection is therefore traversed and reconsideration is respectfully requested.

Doshi relates particularly to a truck bed or liner having improved electrical charge dissipating characteristics (abstract). Moreover, Doshi teaches having a plurality of fasteners (such as bolts) extending through the bottom panel to secure the panel to transverse braces or members (col. 3, lines 8-10).

Wagner relates to a preassembled bolt and washer, and more particularly, to a fastening system for clamping and securing a plastic workpiece to a supporting workpiece (column 1, lines 7-10). Moreover, Wagner teaches securing a plastic-like workpiece to a lower supporting structure, such as a steel panel having a threading aperture (column 2, lines 43-46).

Doshi and Wagner, either alone or in any arguable combination, fail to teach or suggest the fastening systems and vehicle beds as set forth in claims 1-10, 12-15 and 17-18. Particularly, Doshi in combination with Wagner fail to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened between the securement structure and the underlying article (i.e., a vehicle). The present invention is respectively defined by independent claims 1 and 12 to relate to fastening systems and vehicle beds adapted for mounting on a fastening location of a vehicle which include, among other components, a mounting structure operable to be fastened between the securement structure and the underlying article (i.e., a vehicle). Moreover, independent claims 1 and 12 recite that the bearing member has three portions, namely, a first portion for bearing against the bearing surface of the securement structure, a second portion for bearing against the bearing surface of the mounting structure, and a third portion to be biased by a fastener such that the bearing surface of the securement structure and the mounting structure receive compressive force from the respective first and second portions of the bearing member and the first and second portions provide compressive force to the underlying article (i.e., a vehicle). Doshi fails to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened between the securement structure and the underlying article (i.e., a vehicle). Moreover, Doshi also fails to teach a bearing member where the first and second portions

provide compressive force to the underlying article (i.e., a vehicle). As previously mentioned, Doshi illustrates a liner for a truck bed. Bolts fasten the liner to the vehicle bed, as shown in Figs. 2 and 3. The bolts 30 only fasten the liner 26 to the bed 32. Doshi does not disclose the bolts 30 being used to fasten the liner and the bed to a substructure, such as the frame 34. As such, Doshi does not teach a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure between the securement structure and the underlying article (i.e., a vehicle).

The disclosure in Wagner does not rectify this deficiency. Wagner also fails to teach the element of a mounting structure as presently claimed, but rather discloses only a securement-like structure mounted to a steel article, without an intermediate mounting structure which is between the securement structure and the underlying article (i.e., a vehicle). Moreover, the washer in Wagner does not operate as a bearing member as presently claimed which has three portions, where the first and second portions provide compressive force to the underlying article (i.e., a vehicle). As such, there is no motivation to modify the teachings of Doshi, or to combine Wagner with Doshi to teach or suggest the presently claimed fastening systems or vehicle beds. Therefore, the disclosure in Wagner does not rectify the deficiency of Doshi.

It is therefore submitted that the present inventive fastening systems and vehicle beds as set forth in claims 1-10, 12-15 and 17-18 are non-obvious over and patentably distinguishable from Doshi in view of Wagner, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claims 1-7, 9-10, 12-14 and 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Genma et al (U.S. Patent No. 4,521,049) in view of Wagner. Particularly, the Examiner alleges that Genma et al disclose an object, a vehicle bed 6 (Fig. 2), an article, a pickup truck, a securement structure at the hole and hole periphery (Figs. 4 and 6) surrounding a fastener, and a securement structure having a bearing surface at the screw head and has a creep rate greater than the creep rate of the metallic structure of the mounting structure 7/15 of the pipe material. The Examiner further asserts that Genma et al disclose bolting the bed to the frame which entails the problem of plastic creep discussed in Wagner and prevented by Wagner in using a bearing member. The Examiner alleges that Wagner discloses the use of a bearing member having a first portion bearing against a plastic structure

and a second portion against an analogous metal mounting structure 44 and with a third portion beneath the bolt head to be biased by the fastener 10. Thus, the Examiner contends that it would have been obvious to one having ordinary skill in the art to provide in Doshi a fastening system as taught by Wagner.

Applicant submits however that the fastening systems and vehicle beds defined by claims 1-7, 9-10 12-14 and 17-18 are nonobvious over and patentably distinguishable from Genma et al in view of Wagner. This rejection is therefore traversed and reconsideration is respectfully requested.

Genma et al relates to a small car body structure which is highly rigid and can be manufactured easily and economically (col. 1, lines 6-8). Moreover, Genma et al disclose using brackets for connecting the body to a chassis frame (col. 3, lines 28-34).

Genma et al and Wagner, either alone or in any arguable combination, fail to teach or suggest the fastening systems and vehicle beds as set forth in claims 1-7, 9-10, 12-14 and 17-18. Particularly, Genma et al in combination with Wagner also fail to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened between the securement structure and the underlying article (i.e., a vehicle). Moreover, independent claims 1 and 12 recite that the bearing member has three portions, namely, a first portion for bearing against the bearing surface of the securement structure, a second portion for bearing against the bearing surface of the mounting structure, and a third portion to be biased by a fastener such that the bearing surface of the securement structure and the mounting structure receive compressive force from the respective first and second portions of the bearing member and the first and second portions provide compressive force to the underlying article (i.e., a vehicle). Genma et al fail to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened between the securment structure and the underlying article (i.e., a vehicle). Moreover, Genma et al also fail to teach a bearing member where the first and second portions provide compressive force to the underlying article (i.e., a vehicle). As previously mentioned, Genma et al simply teach the attachment of a car body to a chasis frame. As such, Genma et al do not teach a fastening system or vehicle bed having a mounting structure operable to be fastened between the securement structure and the underlying article (i.e., a vehicle).

As noted above, the disclosure in Wagner will not rectify this deficiency of Genma et al as it did not for Doshi. As such, there is no motivation to modify the teachings of Genma et al, or to combine Wagner with Genma et al to teach or suggest the presently claimed fastening systems or vehicle beds. Therefore, the disclosure in Wagner does not rectify the deficiency of Genma et al.

It is therefore submitted that the present inventive fastening systems and vehicle beds as set forth in claims 1-7, 9-10, 12-14 and 17-18 are non-obvious over and patentably distinguishable from Genma et al in view of Wagner, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claims 8 and 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Doshi or Genma et al in view of the Wagner as applied to claims 1, 12, and further in view of Johnson (U.S. Patent No. 6,059,503). The Examiner asserts that it would have been obvious to one having ordinary skill in the art to provide a resilient washer as taught by Johnson in order to avoid damage to the plastic substructure. This rejection is traversed and reconsideration is respectfully requested.

Applicant submits however that the fastening systems and vehicle beds defined by claims 8 and 15 are nonobvious over and patentably distinguishable from Doshi or Genma et al in view of Wagner as applied to claims 1, 12, and further in view of Johnson. This rejection is traversed and reconsideration is respectfully requested.

Johnson generally teaches assemblies where the fastener is captivated with the workpiece (column 1, lines 5-7).

Any arguable combination of Doshi or Genma et al with Wagner and Johnson fails to teach or suggest the fastening systems or vehicle beds as set forth in claims 8 and 15. In particular, Doshi or Genma et al in combination with Wagner and Johnson fail to teach or suggest a vehicle bed having a mounting structure operable to be fastened between the securement structure and the underlying article (i.e., a vehicle). Moreover, these references fail to teach the presently claimed bearing member where the first and second portions provide compressive force to the underlying article (i.e., a vehicle). As such, Johnson fails to teach the claimed fastening system or vehicle bed. Thus, as previously mentioned, Doshi or

Genma et al and Wagner fail to teach the element of a mounting structure and the claimed bearing member, and the disclosure in Johnson does not rectify this deficiency.

It is therefore submitted that the fastening system and vehicle bed as set forth in claims 8 and 15 are non-obvious over and patentably distinguishable from Doshi or Genma et al in view of Wagner and Johnson, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejections under 35 U.S.C. §103 and places the present application in condition for allowance. Reconsideration and an early allowance are respectfully requested.

Respectfully submitted,

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